

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAMLESH BANGA,

No. C-08-3015 MMC

Plaintiff,

**ORDER AFFORDING PLAINTIFF
OPPORTUNITY TO FILE SUR-REPLY;
CONTINUING HEARINGS; DENYING
REQUEST TO SHORTEN TIME;
VACATING CASE MANAGEMENT
CONFERENCE**

v.

EQUIFAX INFORMATION SERVICES, LLC,
et al.,

Defendants.

Before the Court are the following motions and request: (1) defendant Equifax Information Services, LLC's ("Equifax") motion for summary judgment, filed July 17, 2009 and currently scheduled for hearing August 28, 2009; (2) defendant National Credit Union Administration's ("NCUA") motion for summary judgment, likewise filed July 17, 2009 and currently scheduled for hearing August 28, 2009; (3) plaintiff's motion for leave to file a Second Amended Complaint, filed August 14, 2009 and noticed for hearing September 18, 2009; (4) plaintiff's letter request, filed August 19, 2009, for an order shortening time for the hearing of plaintiff's motion for leave to amend¹; and (5) Equifax's motion, filed August 21, 2009 and noticed for hearing September 25, 2009, to continue the October 19, 2009 trial date. In light of the above-referenced recent filings, and for the reasons set forth below, the Court hereby sets the following schedule:

¹As NCUA points out in its letter filed August 20, 2009, plaintiff's request should have been presented in the form of a motion, rather than a letter.

1 1. In Equifax's reply in support of its motion for summary judgment, Equifax, in
2 response to plaintiff's opposition to summary judgment with respect to plaintiff's Seventh,
3 Tenth, and Eleventh Causes of Action, has raised arguments (see, e.g., Reply at 4:24-5:3,
4 5:13-22, 6:14-22) and submitted evidence (see Ballone Decl. ¶¶ 2-8 & Exs. A-C) that prior
5 to such reply had not been made part of the record. As plaintiff has not had an opportunity
6 to respond to such arguments or evidence, the Court will afford plaintiff an opportunity to
7 file a sur-reply. Any such sur-reply shall be filed no later than September 4, 2009.

8 In light of the above adjustment to the briefing schedule, the August 28, 2009
9 hearings on defendants' motions for summary judgment are hereby CONTINUED to
10 September 18, 2009.

11 2. Plaintiff's request for an order shortening time on her motion for leave to amend
12 is hereby DENIED, for the reason that plaintiff has failed to show good cause for the relief
13 sought, and in any event, in light of the above-referenced continuance, such request is
14 essentially moot.

15 3. The Case Management Conference currently scheduled for September 11, 2009
16 is hereby VACATED.

17 **IT IS SO ORDERED.**

18
19 Dated: August 25, 2009


MAXINE M. CHESNEY
United States District Judge